IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 2661 of 2002

Between:

1 Smt. Dosapati Neeraja, W/o. Krishna Murty,
R/o. Sathupalli Village and Mandal, Khammam District.
2 Sri Dosapati krishna Murty, S/o. Seetha Ramaiah,
R/o. Sathupalli Village and Mandal, Khammam District.

....PETITIONERS

AND

The Revenue Divisional Officer,
Khammam, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction especially one in the nature of Writ of Mandamus directing the order passed by the Respondent in Rc.No.A3/3810/2000 dated 2-11-2001 is illegal and arbitrary, violative of Article 14, 21 and 300A of the Constitution of India.

Counsel for the Petitioner:MR.M. SURENDER RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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ORDER:

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This writ petition is filed questioning the order passed by the respondent in Rc.No. A3/3810/2000, dated 2-11-2001.

2. The brief facts of the case leading to filing of this writ petition by the petitioners are:-

3. Writ Petitioners purchased the house bearing No. 15-117 at Sathupalli under an agreement of sale from Smt. Vanama Lalitha Kumari for Rs.2,50,000/- on 25-10-1996. They approached the Sathupalli Grampanchayath with a request to effect mutation in their favour in the records in respect of the house bearing No. 15-117. The officials of the Grampanchayath directed them to produce a registered sale deed to comply their request. Thereupon, they filed O.S.No. 25 of 1998 on the file of the Senior Civil Judge, Sathupally for specific performance of agreement of sale dated 25-10-1996. They also filed I.A.No. 207 of 1998 for sending the document to the District Collector under Section 38 r/w Sec. 40 of the Stamp Act for impounding the same. The document has been sent to the Collector and thereupon the Collector ascertaining the valuation from Sub-Registrar impounded the document by imposing penalty of three times of the stamp duty. The Stamp duty has been fixed at Rs.25,000/- and whereas the penalty is fixed at Rs.82,500/- i.e three times of the Stamp duty. Questioning the order of imposition of Stamp duty and penalty, the petitioners filed this writ petition.

4. Respondent filed counter contending that the stamp duty and penalty fixed is in accordance with the provisions of the Stamp Act.

5. The learned counsel for the petitioners submits that the Stamp Duty and Penalty fixed by the Revenue Divisional Officer-Respondent is highly excessive and exorbitant and therefore, the impugned order is liable to be set aside.

6. Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

7. The respondent-Revenue Divisional Officer, Khammam called for the particulars from Sub-Registrar, Sathupally and basing on the particulars he fixed the stamp duty and penalty. Fixing of penalty is in accordance with the provisions of law and the same is not required to be interfered.

8. Accordingly, the writ petition is dismissed. The petitioners are permitted to pay the stamp duty and penalty within one month from the date of this order. No order as to costs.

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B.Seshasayana Reddy,J

7th June, 2005

KM

ASSITANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer,
   Khammam, Khammam District.

2. 2 CCs to G.P.for Revenue, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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7th June, 2005.